UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,697	04/21/2004	Tony McCormack	920476-95929	5390

23644 7590 03/22/2007	EXAMINER
BARNES & THORNBURG LLP P.O. BOX 2786 CHICAGO, IL 60690-2786	RAYYAN, SUSAN F

	ART UNIT	PAPER NUMBER
	2167	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/828,697	MCCORMACK ET AL.
	Examiner	Art Unit	
	Susan F. Rayyan	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 January 2007</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

3/10/07

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-13 are pending. Claims 14-15 are canceled.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4,6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable

over US Patent Number 7,110523 issued to Michael D. Gagle et al ("Gagle") in

view of US Publication Number 2006/0123060 issued to Christopher J. Allen et al

("Allen").

As per independent claim 1, Gagle teaches:

A network comprising a plurality of contact centers each contact center (column 1, lines

7-10, a plurality of contact centers) comprising:

(i) a contact object memory storing a plurality of contact objects each representing a

different contact in the network of contact centers (column 4, lines 5-10 and Figure 3,

element 122 as call queue server is updated with details about the call);

and (ii) an agent object memory storing a plurality of agent objects each representing a

different agent in the network of contact centers (column 5, lines 8-12 as call center

server directs call to an available agent and thus stores agent objects), each of said

plurality of agent objects comprising information representing a respective agent and its

availability (column 5, lines 47-48, agent availability);

said contact objects and ... being replicated and synchronized at each of the contact

centers (column 5, lines 37-45 as replicating details of incoming calls to each of the call

center servers) whereby the network comprising aid plurality of contact centers does not

require a central network queue manager (column 1, lines 42-45,as another form

includes several call center servers , and updating the call centers with details about

each incoming call at the other call center servers).

Gagle does not explicitly teach agent objects being synchronized. Allen does teach

this limitation (paragraph 10) to select best-fit agent. It would have been obvious to a

person of ordinary skill in the art at the time of the invention was made to modify Gagle

with agent object being synchronized to select the best-fit agent for a call (paragraph

10, lines 15-16) as taught by Allen.

As per claim 2, same as claim arguments above and Gagle teaches:

wherein each of said contact centers is arranged to receive incoming contacts directly at

that contact center (column 7, lines 5-6 as incoming calls to the call center server 24A).

As per claim 3, same as claim arguments above and Gagle teaches:

wherein at least one of said contact centers is arranged to operate in a first mode and a

second mode whereby in said first mode at least some incoming contacts received

directly at that contact center are serviced only by said contact center (column 4, lines

5-34,as agent accepts a call) and whereby in said second mode at least some incoming

contacts received directly at that contact center are serviced at any suitable contact

center in the network (column 5, lines 8-11 as route call to available agent in the

network).

As per claim 4, same as claim arguments above and Gagle teaches:

wherein each of the contact centers further comprises a processor arranged to access

the contact objects and the agent objects stored at that contact center in order to

allocate a contact to the most suitable agent network-wide (column 5, lines 48-49 as

share workload according to agent resources and skills).

As per claim 6, same as claim arguments above and Gagle teaches:

wherein each of the contact centers further comprises a processor arranged to access

the contact objects and the agent objects stored at that contact center such that when

an agent becomes available at that contact center a contact is selected for that agent

network-wide (column 5, lines 37-50 as allows call center servers to share queue

information and share workload according to available agent resources and skills).

As per independent claim 7 Gagle teaches:

A contact center for use in a network of contact centers, said contact center (column 1,

lines 7-10, a plurality of contact centers) comprising:

(i) a contact object memory storing a plurality of contact objects each representing a

different contact in the network of contact centers(column 4, lines 5-10 and Figure 3,

element 122 as call queue server is updated with details about the call);

and (ii) an agent object memory storing a plurality of agent objects each representing a

different agent in the network of contact centers(column 5, lines 8-12 as call center

server directs call to an available agent and thus stores agent objects) each of said

plurality of agent objects comprising information representing a respective agent and its

availability (column 5, lines 47-48, agent availability);

(iii) means for notifying changes in any of the said contact objects ... to other contact

centers in the network of contact centers to there by replicate and synchronize said

contact and agent objects with those at each of the other contact centers(column 5,

lines 37-45 as replicating details of incoming calls to each of the call center servers).

Gagle does not explicitly teach agent objects being synchronized. Allen does

teach this limitation (paragraph 10) to select best-fit agent. It would have been obvious

to a person of ordinary skill in the art at the time of the invention was made to modify

Gagle with agent object being synchronized to select the best-fit agent for a call

(paragraph 10, lines 15-16) as taught by Allen.

As per independent claim 8 Gagle teaches:

A method of managing a contact in a network of contact centers center (column 1, lines

7-10, a plurality of contact centers) said method comprising:

(i) at each contact center in the network storing a plurality of contact objects each

representing a different contact in the network of contact centers(column 4, lines 5-10

and Figure 3, element 122 as call queue server is updated with details about the call);

and (ii) at said each contact center storing a plurality of agent objects each

representing a different agent in the network of contact centers(column 5, lines 8-12 as

call center server directs call to an available agent and thus stores agent objects) each

of said plurality of agent objects comprising information representing a respective agent

and its availability (column 5, lines 47-48, agent availability);

and (iii) at said each contact center , notifying all other contact centers of any changes

in contact objects and agent objects stored at said contact center to thereby replicate

and synchronize said contact objects ... at each of the contact centers in the

network(column 5, lines 37-45 as replicating details of incoming calls to each of the call

center servers).

Gagle does not explicitly teach agent objects being synchronized. Allen does

teach this limitation (paragraph 10) to select best-fit agent. It would have been obvious

to a person of ordinary skill in the art at the time of the invention was made to modify

Gagle with agent object being synchronized to select the best-fit agent for a call

(paragraph 10, lines 15-16) as taught by Allen.

As per claim 9, same as claim arguments above and Gagle teaches:

which further comprises receiving an incoming contact directly at any of said contact

centers in the network(column 7, lines 5-6 as incoming to call center server 24A).

As per claim 10, same as claim arguments above and Gagle teaches:

which comprises operating each contact center in a first mode and a second mode

whereby in said first mode at least some incoming contacts received directly at that

contact center are serviced only by said contact center (column 4, lines 5-34,as agent

accepts a call);

and whereby in said second mode at least some incoming contacts received directly at

that contact center are serviced at any suitable contact center in the network(column 5,

lines 8-11 as route call to available agent in the network).

As per claim 11, same as claim arguments above and Gagle teaches:

which further comprises using a processor at any of the contact centers to access the

contact objects and the agent objects stored at that contact center in order to allocate a

contact to the most suitable agent network-wide (column 5, lines 48-49 as share

workload according to agent resources and skills).

As per claim 12, same as claim arguments above and Gagle teaches:

which further comprises using a processor at any of the contact centers to access the

contact objects and the agent objects stored at that contact center such that when an

agent becomes available at that contact center a contact is selected for that agent

network-wide(column 5, lines 37-50 as allows call center servers to share queue

information and share workload according to available agent resources and skills).

As per independent claim 13 Gagle teaches:

A method of operating a contact center in a network of contact centers center (column

1, lines 7-10, a plurality of contact centers), said method comprising the steps of:

(i) at said contact center storing a plurality of contact objects each representing a

different contact in the network of contact centers(column 4, lines 5-10 and Figure 3,

element 122 as call queue server is updated with details about the call);

(ii) at said contact center storing a plurality of agent objects each representing a

different agent in the network of contact centers(column 5, lines 8-12 as call center

server directs call to an available agent and thus stores agent objects) each of said

plurality of agent objects comprising information representing a respective agent and its

availability (column 5, lines 47-48, agent availability);

(iii) notifying all other contact centers of any changes in contact objects and agent

objects to thereby replicate ... said contact objects and agent objects with those at

each of the other contact centers(column 5, lines 37-45 as replicating details of

incoming calls to each of the call center servers).

Gagle does not explicitly teach agent objects being synchronized. Allen does

teach this limitation (paragraph 10) to select best-fit agent. It would have been obvious

to a person of ordinary skill in the art at the time of the invention was made to modify

Gagle with agent object being synchronized to select the best-fit agent for a call

(paragraph 10, lines 15-16) as taught by Allen.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Gagle in view of Allen as applied to claims 1 above, and further in view US Patent

6,636,599 issued to David Mullen ("Mullen").

As per claim 5, same as claim arguments above and Gagle and Allen do not explicitly

teach wherein said most suitable agent network-wide is a network longest-idle agent.

Mullen does teach this limitation (column 5, lines 65 to column 6, line 3) to preclude

disportionate idle time to some agents . It would have been obvious to a person of

ordinary skill in the art at the time of the invention was made to modify Gagle and Allen

with wherein said most suitable agent network-wide is a network longest-idle agent to

preclude disportionate idle time to some agents (column 6, lies 64-66).

Response to Arguments

3.   Applicant's arguments filed January 19, 2007 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues prior art of record does not teach each of said plurality of agent objects comprising information representing a respective agent and its availability. Examiner disagrees and finds Gagle teaches this limitation at column 5, lines 47-50, as available agent resources and skills. Call centers receive information on the availability of agent resources, skills and current activity).

Applicant argues prior art of record does not teach the network comprising said plurality of contact centers does not require a central network queue manager. Examiner finds Gagle does teach this limitation at column 1, lines 42-45,as another form includes several call center servers , and updating the call centers with details about each incoming calls at the other call center servers. Each respective queue of the contact centers display a global view of each call activity.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., (a) Each contact center has an up-to-date view on all contacts 'queued' in the system and the availability status (among other information such as skill sets) of all agents in the system. If any of the contact centers suffers a failure in at least its ability to

notify changes in contact objects and agent objects stored at that contact center, the remaining contact centers can still operate to share workload through the replication and synchronization process. (b) the availability of the agent is known at the time of matching an agent to a 'queued'; (c) Matching of contact objects with agent objects to process a contact) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues neither of Gagle or Allen teach arranging each of the contact centers to notify all of the other contact centers of changes in any of the contact objects and agents objects stored at said contact center. Gagle teaches notifying all other contact centers of any changes in contact objects and agent objects to thereby replicate ... said contact objects and agent objects with those at each of the other contact centers(column 5, lines 37-45 as replicating details of incoming calls to each of the call center servers). Gagle does not explicitly teach agent objects being synchronized. Allen does teach this limitation (paragraph 10) to select best-fit agent. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Gagle with agent object being synchronized to select the best-fit agent for a call (paragraph 10, lines 15-16) as taught by Allen.

Applicant argues neither Gagle or Allen teach agent availability. Examiner finds this limitation taught by Gagle at column 5, lines 47-48 as available agent resources (see rejection above).

Conclusion

4.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

 A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Contact Information

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Susan Rayyan whose telephone number is (571) 272-

1675. The examiner can normally be reached M-F: 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

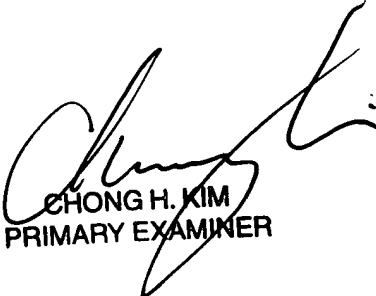supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone

number for the organization where this application or proceeding is assigned is
703-872-9306.

Information regarding the status of an application may be obtained from
the Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR
only. For more information about the PAIR system, see http://pair-
direct.uspto.gov. Should you have questions on access to the Private PAIR
system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Rayyan

March 10, 2007

CHONG H. KIM
PRIMARY EXAMINER